IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

FAO.No. 210 of 2004()

AGAINST THE ORDER DATED 21/06/2004 IN EA 149/04 IN EP 136/99
IN OS.118/1987 of ADDL.SUB COURT,PARAVUR
.....

APPELLANT/PETITIONER/JUDGMENT DEBTOR:

K.V.ANTONY, S/O.VAREED,
KANAPPILLY, VALLUVALLY KARA,
KOTTUVALLY VILLAGE.

BY ADV. SRI.S.SHYAM
SRI.BOBBYMATHEW KOOTHATTUKULAM
SRI.LATHEESH SEBASTIAN

RESPONDENT/RESPONDENT/DECREE HOLDER:

HARIHARA SUBRAMONIYA IYER,
KIZHAKKEMADOM, KANNANKULANGARA, PARAVOOR SAMOOHAM,
REPRESENTED BY ITS MANAGER.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN & V. K. MOHANAN, JJ.

F.A.O. NO. 210 OF 2004

DATED THIS, THE 17TH DAY OF SEPTEMBER, 2007.

J U D G M E N T

Raman, J.

This is an appeal against an order declining to set aside the sale in a petition under Order 21 Rule 90 of the Code of Civil procedure, by the appellant herein.

2. Pursuant to the decree passed in execution, 1 Acre and 52 cents of property along with a building was sold which was purchased by the respondent herein. During the pendency of the appeal, the matter was settled. A statement to that effect has been filed by the respondent herein stating that he has already received the decree amount. In the above circumstances, it is prayed that the sale confirmed in favour of the decree holder can be set aside and the matter can be disposed of accordingly.

The memo is recorded. The appeal is allowed, setting aside the sale and recording that the decree has been satisfied.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-